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R. 55 (a)

# United States District Court

FEB - 5 1993

MIDDLE

District of

NORTH CAROLINA

BY:

UNITED STATES OF AMERICA

V.

TRACY DEMONT HUMPHRIES

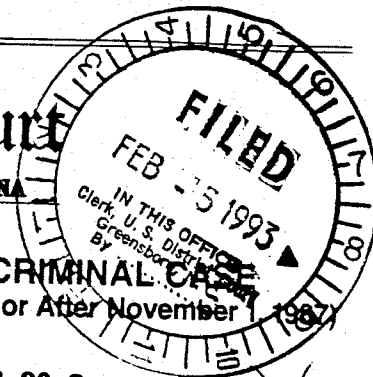
(Name of Defendant)

**CORRECTED JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Case Number: **Cr-91-153-02-G**

Thomas Johnson

Defendant's Attorney



## THE DEFENDANT:

- ☐ pleaded guilty to count(s) \_\_\_\_\_
- ☒ was found guilty on count(s) 1 & 2 of Indictment of 9/30/91 after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

| Title & Section                 | Nature of Offense                                                                 | Date Offense Concluded | Count Number(s) |
|---------------------------------|-----------------------------------------------------------------------------------|------------------------|-----------------|
| 21:846, 841 (a)(1) & (b)(1)(A)  | Conspiracy: Distribute cocaine base (crack)                                       | 7-18-91                | 1               |
| 21:841(a)(1) & (b)(1)(C) & 18:2 | Possess cocaine hydrochloride with the intent to manufacture cocaine base (crack) | 7-9-91                 | 2               |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984..

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- ☒ ~~Count(s)~~ The indictment of 7/29/91 (is)(are) dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 100.00, for count(s) 1 & 2, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Mailing Address: \_\_\_\_\_

Defendant's Residence Address: \_\_\_\_\_

April 8, 1992

Date of Imposition of Sentence

*Richard C. Erwin*

Signature of Judicial Officer

Richard C. Erwin, U.S. District Judge  
Name & Title of Judicial Officer

February 5, 1993

Date

Defendant: **TRACY DEMONT HUMPHRIES**  
 Case Number: **Cr-91-153-02-G**

Judgment—Page 2 of 4

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of two hundred and forty (240) months on Count 1 and two hundred and forty (240) months on Count 2 to run concurrent with the sentence imposed on Count 1.

☒ The court makes the following recommendations to the Bureau of Prisons:

That the defendant be incarcerated separate and apart from co-defendant Stephen D. Sykes.

- ☒ The defendant is remanded to the custody of the United States marshal.  
☐ The defendant shall surrender to the United States marshal for this district,  
     ☐ at \_\_\_\_\_ a.m.  
     ☐ at \_\_\_\_\_ p.m. on \_\_\_\_\_  
     ☐ as notified by the United States marshal.  
☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,  
     ☐ before 2 p.m. on \_\_\_\_\_  
     ☐ as notified by the United States marshal.  
     ☐ as notified by the probation office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
 \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
 United States Marshal

By \_\_\_\_\_  
 Deputy Marshal

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_

five (5) years on Count 1 and three (3) years on Count 2 to run concurrent with the supervised release imposed on Count 1.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☐ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☐ The defendant shall not possess a firearm or destructive device.

1. The defendant shall participate in a substance abuse treatment program, which may include urinalysis or other forms of testing, as directed by the United States Probation Officer.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: **TRACY DEMONT HUMPHRIES**  
Case Number: **Cr-91-153-02-G**

Judgment—Page 4 of 4**STATEMENT OF REASONS**

☐ The court adopts the factual findings and guideline application in the presentence report.

OR

☒ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

the Career Offender provision does not apply

**Guideline Range Determined by the Court:**Total Offense Level: 34Criminal History Category: IVImprisonment Range: 210 to 262 monthsSupervised Release Range: 5 to 5 yearsFine Range: \$ 17,500.00 to \$4,000,000.00

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ \_\_\_\_\_

☐ Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):